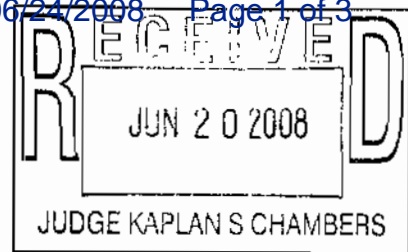


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



REGINALD HOLMES,

Plaintiff,

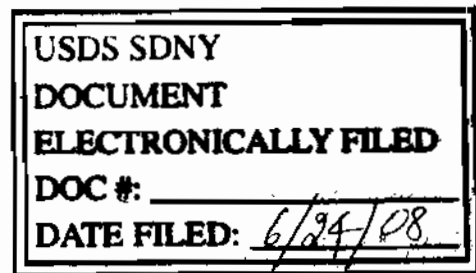
-against-

WILLIAM FRASIER – COMMISSIONER OF N.Y.C.D.
OF CORRECTIONS, LEROY GRANT – WARDEN OF
C.P.S.U. OF OTIS BANTUM C.C., DEP. OF SECURITY
OF BEACON FACILITY – NAME UNKNOWN, DEP.
OF SECURITY OF C.P.S.U. OF O.B.C.C. – NAME
UNKNOWN, CAPTAIN MCGRUFF, and UNKNOWN
MEDICAL STAFF OF C.P.S.U. OF O.B.C.C.,

Defendants.

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

07 CV 6044 (LAK) (AJP)



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WHEREAS, plaintiff commenced this action by filing a complaint on or about June 26, 2007, alleging that certain of his federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff REGINALD HOLMES the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) in full satisfaction of all claims, including claims for costs, expenses, and attorney fees. In consideration for the payment

of this sum, plaintiff agrees to the dismissal of all the claims against the named defendants, both served and unserved, William Frasier, Leroy Grant, and Captain McGruff, with prejudice, and to release all defendants and any present or former employees or agents of the City of New York, or any agency thereof, including, but not limited to, the New York City Department of Correction, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit Concerning Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Department of Correction.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2008

Reginald Holmes, Plaintiff *Pro Se*
07-A-1034
Franklin Correctional Facility
62 Bare Hill Road, PO Box 10
Malone, New York 12953

By: Reginald Holmes
REGINALD HOLMES
Plaintiff *Pro Se*

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant Fraser
100 Church Street, Room 3-195
New York, New York 10007
(212) 788-0422

By: Morgan D. Kunz
Morgan D. Kunz
Assistant Corporation Counsel

SO ORDERED: 6/20/08
[Signature]
HON. LEWIS A. KAPLAN, U.S.D.J.

Sidney H. Stein
But I

May 14, 2008
Maureen Layhee
MAUREEN LAYHEE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CLINTON COUNTY
REG. NO. 01LA4975722
COMMISSION EXPIRES DEC. 17, 2010